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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
 OPPORTUNITY COMMISSION,

Plaintiff,

vs.

TESLA, INC.

Defendant.

Case No.: 3:23-cv-04984-JSC

**PLAINTIFF EEOC'S OPPOSITION TO  
 DEFENDANT TESLA, INC'S  
 STATEMENT OF RECENT DECISIONS  
 AND REQUEST TO STRIKE**

Judge: Hon. Jacqueline S. Corley  
 Courtroom: 8, 4th Floor  
 Hearing Date: March 28, 2024  
 Time: 10:00 a.m.

On March 11, 2024, Defendant Tesla, Inc. (Tesla) filed a Statement of Recent Decisions Authority in Support of Defendant's Motion to Stay All Proceedings (Statement of Recent Decisions) (Dkt. No. 39). Plaintiff U.S. Equal Employment Opportunity Commission (EEOC) opposes the Statement of Recent Decisions, which violates Local Rules, and respectfully asks that it be stricken and disregarded by the Court in ruling on Tesla's pending Motion to Stay All Proceedings (Dkt. No. 22).

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Local Rule 7-3 states, “[o]nce a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval,” except that,

Before the noticed hearing date, counsel may bring to the Court’s attention a relevant judicial opinion published after the date the opposition or reply was filed by filing and serving a Statement of Recent Decision. Such Statement shall contain a citation to and provide a copy of the new opinion *without argument*.

Civil Local Rule 7-3(d) (emphasis added). Tesla improperly includes in its Statement of Recent Decisions unauthorized argument about what the noticed decisions purportedly contain, further unauthorized argument regarding the alleged relevance of the decisions in this case, and a quote from one of the decisions. *See* Dkt. No. 39, at 3. Telsa’s argument violates Local Rule 7-3 and should be stricken as unauthorized briefing. *See McArdle v. AT&T Mobility LLC*, No. C09-1117 CW, 2010 U.S. Dist. LEXIS 73519, 2010 WL 2867305, at \*4 (N.D. Cal. July 20, 2010) (Wilken, J.) (“Plaintiff’s three-page submission, which contained argument, constitutes unauthorized briefing . . . Accordingly, the Court strikes Plaintiff’s submission from the record.”); *see also Innovative Sports Mgmt., Inc. v. Robles*, No. 13-CV-00660-LHK, 2014 U.S. Dist. LEXIS 5495, 2014 WL 129308, at \*1, n.2 (N.D. Cal. Jan. 14, 2014) (“The Court strikes the first four paragraphs of the declaration accompanying the statement of recent decisions as those paragraphs contain improper argument on the instant motion.”).

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1 For these reasons, Tesla's Statement of Recent Decisions violates Local Rules and should be  
2 stricken from the record.

3 Respectfully submitted,  
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5 Dated: March 19, 2024

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